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Federal Communications Commission

Washington, D.C. 20554

October 24, 1994

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

DOCKET FILE COPY ORIGINAL

The Honorable Harold L. Volkmer  
Member, House of Representatives  
Post Office Box 229  
Washington, Missouri 63090

Dear Congressman Volkmer:

This letter responds to your correspondence on behalf of Jim and Gina Brooks regarding charges on their telephone bill and relating to information services provided on 800 numbers. Your letter, as well as the complaint of your constituent, has been referred to the Enforcement Division of the Common Carrier Bureau for review. The Enforcement Division will communicate with your constituent upon completion of its review.

The Telephone Disclosure and Dispute Resolution Act (TDDRA) was enacted by Congress in 1992 and required both the Federal Communications Commission and the Federal Trade Commission (FTC) to adopt rules governing the provision of pay-per-call services. Under the TDDRA, the FCC has jurisdiction over the telecommunications carriers involved in the transmission and billing of the telephone calls, while the Federal Trade Commission has jurisdiction over the information service companies themselves.

The TDDRA generally required pay-per-call services to be provided on 900 telephone numbers and generally prohibited the provision of these services on 800 numbers, except in instances where the caller has entered into a presubscription agreement or comparable arrangement with the information service provider. Pursuant to the Commission's rules, which became effective on September 24, 1993, a presubscription agreement entails a formal contractual understanding whereby the consumer is provided clearly and conspicuously all terms and conditions associated with the use of the service and affirmatively agrees to abide by them.

The Commission has received numerous complaints similar to those described by your constituent. These complaints are processed by the Enforcement Division of the Common Carrier Bureau by serving a copy of the complaint upon the telecommunication carriers involved, who must generally respond in writing within 30 days. Beyond reviewing these

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The Honorable Harold L. Volkmer  
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complaints and pursuing appropriate action to resolve them, the Commission has undertaken several efforts. First, Common Carrier Bureau staff has met with the carriers that provide the billing service for calls to 800 numbers as well as interexchange carriers who provide the 800 number transport to emphasize their obligations under the TDDRA and the rules of the Commission. Secondly, because the increase in the number of complaints has been so significant, we have started an investigation of these practices, with special focus on whether any companies have attempted to evade or violate our rules. Additionally, as part of the effort to make clear the carriers' responsibilities under the law, the Common Carrier Bureau has recently issued a ruling holding that the information provider's receipt of the originating telephone number, a practice that was serving as the premise of some charges, does not in itself constitute a presubscription agreement.

Moreover, on August 2, 1994, the Commission instituted a Notice of Proposed Rulemaking seeking to strengthen Commission rules to prevent abusive and unlawful practices under the TDDRA. Specifically, the Commission has sought public comment on a proposal to require that a presubscription agreement be established only with a legally competent individual and executed in writing, and that common carriers obtain evidence of the written agreement before issuing a telephone bill that contains charges for presubscribed information services. Under the proposed rules, these telephone bills could be addressed only to the individual who actually entered into the presubscription arrangement, not to the person or company whose telephone was used to place the call. The Commission has tentatively concluded that this and other proposed changes would significantly assist in eliminating the source of many consumer complaints. Enclosed is a summary of the Commission's action in this regard.

We appreciate receiving your correspondence. Please call upon us if we can provide any additional information.

Sincerely,



Kathleen M.H. Wallman  
Chief  
Common Carrier Bureau

Enclosure



Federal Communications Commission  
Field Operations Bureau  
8800 East 63rd Street - Rm 320  
Kansas City, Missouri 64133

September 22, 1994

COPY

OLA  
CC-800  
CC-900  
4807

Honorable Harold Volkmer  
House of Representatives  
P.O. Box 229  
Washington, MO 63090

Dear Congressman Volkmer:

Your letter to Dennis Carlton, Regional Director, on behalf of Jim & Gina Brooks of Union, Missouri has been referred to me for a response.

The concerns expressed by Mr. & Mrs. Brooks are beyond the jurisdiction of the Kansas City Field Office. The policy for the conversion of an 800 telephone number to a 900 telephone number is overseen by the Common Carrier Bureau of the Federal Communications Commission in Washington, D.C. Mr. & Mrs. Brooks' complaint is being directed to that office for their response and action. I am forwarding your inquiry to them for additional comments.

Thank you for your interest.

Sincerely,

Ronald D. Ramage  
Acting Engineer In Charge

HAROLD L. VOLKMER  
3TH CONGRESSIONAL DISTRICT  
MISSOURI

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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-2509**

September 16, 1994

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317 LAFAYETTE  
P.O. BOX 229  
WASHINGTON, MO 63090  
(314) 239-4001

REPLY TO:

Mr. Dennis P. Carlton, Regional Director  
Federal Communications Commission  
Room 320, Brywood Office Tower  
8800 E. 63rd Street  
Kansas City, Missouri 64133

Re: Jim & Gina Brooks  
7563 Hwy 47  
Union, Missouri 63084

Dear Sir:

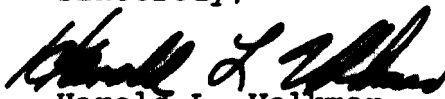
I am writing in behalf of my constituents, Jim & Gina Brooks,  
of Union, Missouri.

Enclosed is a copy of correspondence I received from Mr. & Mrs.  
Brooks regarding their problem with an alledged violation of  
the 800 and 900 telephone number system.

Upon review of the enclosed, I would appreciate any infor-  
mation you might provide to my office in Washington, Missouri.

Thank you for your cooperation. With best wishes, I am,

Sincerely,

  
Harold L. Volkmer  
Member of Congress

HLV/vb  
enclosure

SEP 15 1994

Sept. 13, 1994

Representative Volkmer  
317 Lafayette  
Washington D.C.

Dear Sir,

This letter is in reference to the phone call I made to your office on the 13 of Sept. concerning 900 numbers.

These "sex" lines are getting around the 900 number restrictions placed on them by using 800 numbers. The kids and the mentally impaired individuals are calling the 800 numbers thinking they are free calls, and then being charged the 900 number fees.

I personally have a mentally impaired son, who has called these 800 numbers to the amount of \$800.00 one time and \$250.00 the second time.

I have gotten a 900 block on my phone, but these companies get around this by using 800 numbers

150 11 432

and transferring to the 900 number.

You can not get a 800 number block.

I'm writing to you, to see if there is some way that you could support or write some type of legislation that would prohibit these types of companies from using the 800 numbers in this way.

I would appreciate a reply from you and not a form letter.

Also I would like your position on President Clinton's Health Care bill.

Thank you  
Jim + Tina Brooks

Jim Brooks  
7563 Hwy 47  
Union Mo 63084  
583-4867